IN THE HIGH COURT OF JUDICATURE AT PATNA
FA No.105 of 1987
SMT. PRABHA DEVI
Versus
SMT.LIWATI DEVI & ORS
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23 27.8.2008 This appeal stood dismissed for non-compliance of the order, dated 4.5.2006. The appeal was restored to its original file vide order passed on 13.8.2007 passed in M.J.C. No. 2769 of 2006 with the condition that counsel for the appellant should comply with the order, dated 4.5.2006 by 20.8.2007. Counsel for the appellant apparently did not comply with the condition laid down by the court for restoration of the appeal and as such the appeal has been dismissed for the second time.

M.J.C. No. 917 of 2008 has again been filed for restoration of the first appeal with fresh Vakalatnama of Mr. Anil Kumar, Advocate.

In the office note it has been pointed out that I.A. No. 6279 of 2007 has been filed without obtaining no objection certificate. Once the appeal has been dismissed for default, the appellant is at liberty to engage another lawyer and as such the Vakalatnama cannot be questioned on the ground that no objection has not been taken from the previous lawyer.

I.A. No. 6279 of 2007 will only be considered after the first appeal is restored to its original file.

List this appeal along with M.J.C. No.917 of 2008 with the name of Mr. Anil Kumar, Advocate duly printed in the daily cause list.

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haque **(Sheema Ali Khan, J.)**